

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY SR.,) Civil Action No. 05-125E
Plaintiff) District Judge McLaughlin
V.) Magistrate Judge Baxter
)
TRACY REEVES, ET AL.,)
Defendants)

RESPONSE TO DEFENDANTS MOTION
FOR SUMMARY JUDGMENT ON RETALIATION CLAIM

AND NOW COMES, CASSIUS M. CLAY SR., Plaintiff, Pro-Se, in the above captioned action, pursuant to FRCP LR 56.1(C)(1), and in accordance with this Court's Order of February 5, 2008, and submit the following Motion in Opposition to the defendant's Motion for Summary Judgment on the Retaliation Claim.

1. The Order of February 5, 2008, Granted the defendant's leave to file a Motion for Summary Judgment as to Plaintiff's Claim for retaliation, as it was not properly before the Magistrate Judge.
2. For the reasons stated herein, and in the exhibits, supporting brief and concise statement of undisputed material facts filed herewith, there are genuine issue's of material facts, which remain, and therefore would preclude Summary Judgment as a matter of law, with respect to the remaining Retaliation Claim.

WHEREFORE, it is Respectfully Requested that this Honorable Court adopt the Magistrate's Order of 1/8/08 [104], as to the Retaliation Claim, and proceed to Trial.

Respectfully Submitted;

Cassius M. Clay

CASSIUS M. CLAY, PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY
Plaintiff

VS.

TRACY REEVES, ET AL.
Defendant

Civil Action No.: 05-125 Erie

District Judge McLaughlin

Magistrate Judge Baxter

STATEMENT OF VERIFICATION

I verify that the foregoing is true and correct. I understand that false statements made herein are subject to the penalties of 28 U.S.C. §1746, relating to perjury.

Date: 3/22/08

By: Cassius M. Clay Sr.
Cassius M. Clay, Sr.
Pro se Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY
Plaintiff

VS.

TRACY REEVES, ET AL.
Defendant

Civil Action No.: 05-125 Erie

District Judge McLaughlin

Magistrate Judge Baxter

CERTIFICATE OF SERVICE

I certify that on this 22nd day of MARCH, 2008, I submitted the original of this document to prison officials at the State Correctional Institution of Pittsburgh by placing the same in the prison mailbox addressed to Office of the Clerk, U.S. District Court, Western District of PA, P.O. Box 1820, Erie, PA 16507; and that I also submitted a separate true and correct copy of this document to the same prison officials at the State Correctional Institution at Forest by again, placing the same in the prison mailbox addressed to Mary Friedline, Esq., Deputy Attorney General, Office of the Attorney General, 6th Flr., Manor Complex. 564 Forbes Ave., Pittsburgh, PA 15129. (All sent First Class Mail)

Date: 3/22/08

FILED

By:

Cassius M. Clay Jr.

Cassius M. Clay, Sr.
Pro se Plaintiff

MAR 27 2008

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA